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2 *E-filed 8/6/07*
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NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

No. C 07-00717 HRL

SANDRA CASTRO,

Plaintiff,

ORDER RE: JURY DEMAND

v.

TARGET CORP.,

Defendant.

On May 8, 2007 the parties appeared for a Case Management Conference. At the conference, the issue was raised as to whether Defendant, Target Corporation ("Target"), had properly demanded a jury trial.¹ The court reserved decision on this issue and requested further briefing.

Target submitted the following information in support of its jury demand: This action began in state court and Defendant filed and served its answer in the same.² Thereafter, Target removed the action to this court and filed a jury demand seven days later.

¹ Plaintiff also filed a jury demand, but it was not timely. FED. R. CIV. P. 38(c).

² Although the date stamp on the answer indicates that this response was not timely filed in state court, Defendant submitted evidence indicating that it was delivered to the court before the filing deadline.

1 Because the answer was filed in state court, the jury demand needed to be filed within
2 ten days of the notice of removal. FED. R. CIV. P. 81(c). As these requirements were met here,
3 the case is hereby set for jury trial.

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5 **IT IS SO ORDERED.**

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7 Dated: 8/6/07

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HOWARD LLOYD
UNITED STATES MAGISTRATE JUDGE

1 THIS SHALL CERTIFY THAT NOTICE WILL BE SENT TO:

2 Ellen Sue Lyons eslyons@fandslegal.com, gladys@fandslegal.com

3 Michael Robert Mordaunt mmordaunt@riggiolaw.com, slondon@riggiolaw.com

4 Charles Swanston cswanston@fandslegal.com

5
6 * Counsel are responsible for providing copies of this order to co-counsel who have not
7 registered for e-filing.

8
9 Date: 8/6/07

/s/ KRO

10 Chambers of Magistrate Judge Howard R. Lloyd